

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

CYRUS GHARIB

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CASE NO. 4:08CR210

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 13, 2009 to determine whether the Defendant violated his supervised release. The Defendant was represented by Reed Prospere. The Government was represented by Kevin Collins.

On June 28, 2002, the Defendant was sentenced by the Honorable Jerry Buchmeyer, United States District Judge, to 78 months imprisonment followed by a 3-year term of supervised release for the offense of conspiracy to possess with intent to distribute and distribution of 3,4 methylenedioxymethamphetamine (MDMA/Ectasy). The case was transferred from the Northern to Eastern District of Texas and re-assigned to the Honorable Marcia A. Crone. Defendant began his term of supervised release on July 13, 2006.

On July 8, 2009, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (Dkt. 2). The petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not leave the judicial district without permission of the Court or probation officer; and (2) Defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

The petition alleges that Defendant committed the following violation: following a denial of Defendant's request to travel outside the Eastern District of Texas by the U.S. Probation Office, Defendant traveled to the Western District of Texas on or about April 25, 2009, without permission. Specifically, the petition claims that Defendant requested permission to travel to Austin, Texas on April 24 and 25, 2009 in order to participate in a weight lifting competition. His request to travel was denied in view of the pending felony case in Dallas County, Texas, the fact that it was recreational in nature, and the fact that the request was not submitted in a timely manner. According to the petition, Defendant traveled to Austin to participate in the competition despite instructions from his pretrial services officer to the contrary.

At the August 13, 2009, hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge, but reserved his right to object to the report and recommendation of this Court.

In light of his plea of true, the Court finds that Defendant violated the terms of his supervised release. Further, after hearing that the parties reached an agreement regarding the proposed sentence, the Court recommends that Defendant's supervised release be revoked.

### **RECOMMENDATION**

As fully set forth above, the Court recommends that the District Court revoke the Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of three (3) months, with no supervised release to follow.

**SIGNED this 13th day of August, 2009.**

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE